

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE

House Bill 1546

(Delegates Anderson and Glenn)

Judiciary

Courts - Jury Selection - Clerk of Circuit Court

This bill establishes that if the jury commissioner for a circuit court is someone other than the clerk of the circuit court, the individual must be designated by the clerk of the circuit court. The bill requires the clerk of the circuit court to maintain the source pool list for jury selection. The Administrative Office of the Courts (AOC) is required to provide technical assistance to the clerk of the circuit court as needed to implement the jury plan.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$1.6 million in FY 2011 and by approximately \$2.1 million annually to reflect the transfer of jury staff in some counties to the office of the clerk of the circuit court. Revenues are not affected.

(\$ in millions)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1.6	2.1	2.1	2.1	2.1
Net Effect	(\$1.6)	(\$2.1)	(\$2.1)	(\$2.1)	(\$2.1)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Circuit court expenditures decrease in the local jurisdictions that currently fund the salaries and fringe benefits for jury staff.

Small Business Effect: None.

Analysis

Current Law: Each circuit court is required to have a written plan for jury selection and service. Each jury plan must designate a jury commissioner, who must be either the clerk of the circuit court or another individual designated in the manner set forth in the jury plan. A jury commissioner is responsible for managing jury selection and service.

Each jury plan must provide for a source pool from which the names of prospective jurors are to be selected. The plan must include detailed procedures by which a jury commissioner is to have names selected from the most recent source pool.

The jury plan may provide for an agreement between the circuit court and AOC for AOC to (1) provide the circuit courts with names selected in the number that the jury plan sets; (2) have juror questionnaire forms or summonses sent as the jury plan requires; or (3) provide any other services as to jury selection and service.

State Fiscal Effect: General fund expenditures increase for the Judiciary by approximately \$1.6 million in fiscal 2011, which accounts for the bill's October 1, 2010 effective date. This estimate reflects the costs of transferring the personnel and duties of county-funded staff that currently perform functions related to jury service to the circuit court clerk's office. General fund expenditures increase \$2.1 million on an annualized basis.

The Judiciary advised that although the jury staff in some jurisdictions is already located within the clerk of court's office, in 15 of the 24 jurisdictions, the jury commissioner and their staff are paid by the county. Accordingly, general fund expenditures will increase once these responsibilities are transferred to the clerk's office, because salaries and benefits for these employees are paid by the State. The Judiciary advised that expenditures could increase by approximately \$2.1 million annually to reflect the transfer of approximately 30 positions assuming an average salary and fringe benefits package of \$70,000. AOC further advised that it can continue to provide technical assistance to the circuit courts for the implementation of jury plans using existing resources.

Positions	30
Salaries and Fringe Benefits	\$1.6 million
Total FY 2011 State Expenditures	\$1.6 million

Local Fiscal Effect: Expenditures decrease accordingly in local jurisdictions that currently fund their own jury staff because local governments will no longer be responsible for the salaries and benefits associated with this operation, as the staff and duties will be transferred to the circuit court clerk's offices.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 29, 2010
ncs/kdm

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